IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

SANDY ALEXANDER MICKENS   §

VS.   §   CIVIL ACTION NO.   1:11-CV-205

MARK MARTIN   §

MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Sandy Alexander Mickens, a prisoner confined at the Federal Correctional Institution in Beaumont, Texas, filed this petition for writ of habeas corpus.

The Court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge. The Magistrate Judge recommends dismissing the petition.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and the pleadings. Petitioner filed objections to the Magistrate Judge's Report and Recommendation.

The Court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the Court concludes the objections are without merit. Petitioner may not challenge his conviction or sentence under 28 U.S.C. § 2241, because his claims do not meet the requirements set forth in *Reyes-Requena v. United States*, 243 F.3d 893, 904 (5th Cir. 2001). Further, the All Writs Act and common law avenues of

relief are not available to petitioner. *See Polley v. Jeter*, 202 Fed.Appx. 806, 806 (5th Cir. Oct. 24, 2006).

ORDER

Accordingly, petitioner's objections are **OVERRULED**.   The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

So **ORDERED** and **SIGNED** this **11** day of **August, 2011.**

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Ron Clark, United States District Judge